

Notice of Allowability

Application No.

09/843,972

Examiner

Ayal I. Sharon

Applicant(s)

EMBERTY ET AL.

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Req. for Reconsideration filed 4/20/05.
2. ☒ The allowed claim(s) is/are 14-30.
3. ☒ The drawings filed on 26 April 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

[Signature]
KEVIN J. TESKA
SUPERVISORY
PATENT EXAMINER

Examiner's Statement of Reasons for Allowance

1. The following is an examiner's statement of reasons for allowance.
2. The closest relevant prior art is as follows:
 - a. Sun Microsystems Inc. Sun StorEdge(tm) SCSI Target Emulation (STE) 1.1 Release Notes. Revision A. Part No. 806-1948-10. August 1999.
(Henceforth referred to as "**Sun**")
 - b. Dimitri et al., U.S. Patent 5,970,030. (Henceforth referred to as "**Dimitri**").
 - c. Teow, K.S. "Definitions of Managed Objects for the Fabric Element in Fibre Channel Standard". Brocade Communications Systems. © The Internet Society. May 1, 2000. (Henceforth referred to as "**Teow**")

3. Independent claims 14 and 17 contain the following limitation:

forming a first association of a plurality of commands for instructing a plurality of different types of memory elements which the host computer expects the library to be according to a fibre channel protocol;

Neither Sun, Dimitri, nor Teow teach "a plurality of different types of memory elements".

In fact, Dimitri teaches away from this limitation (see col.4, lines 38-41) by teaching that:

As described above, RAID is a "redundant array of inexpensive disk drives" and stores data and parity amongst the data storage drives in such a manner that, should one data storage drive fail, the remainder may continue to operate without loss of any data."

Dimitri does not expressly teach "a plurality of different types of memory elements". The Sun reference also does not expressly teach "a plurality of different types of memory elements".

Also, unlike the present application, neither of these references teach the following limitation:

identifying the type of memory element which the host computer expects the library to be;

4. Moreover, the Double Patenting rejections of Claims 14 and 17 in view of Dimitri reference have been withdrawn due to the Terminal Disclaimer filed by the Applicants and the Declaration under 37 C.F.R. 1.130(a) on p.9 of the amendment filed 1/4/2005.
5. Dependent claims 15-16 and 18-19 depend from allowable claims 14 and 17.
6. Independent claims 20, 25, and 30 contain the following limitations:

fetching the first peripheral device; and

coupling the peripheral device to the fabric port.

Examiner finds Applicants' arguments in the Request for Reconsideration (filed 4/20/2005) to be persuasive. In particular, Examiner agrees that Sun and Teow teach addressing schemes for currently attached devices (See Req. For Recon., p.3, para.2), and that neither Sun nor Teow expressly teach fetching and coupling peripheral devices (See Req. For Recon., p.5, para.1).

7. Claims 21-24 and 26-29 depend from allowable claims 20 and 25.
8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ayal I. Sharon whose telephone number is (571) 272-3714. The examiner can normally be reached on Monday through Thursday, and the first Friday of a biweek, 8:30 am – 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Teska can be reached at (571) 272-3716.

Any response to this office action should be faxed to (703) 872-9306, or mailed to:

USPTO
P.O. Box 1450
Alexandria, VA 22313-1450

or hand carried to:

USPTO
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center 2100 Receptionist, whose telephone number is (571) 272-2100.

Art Unit: 2123

Ayal I. Sharon

Art Unit 2123

April 22, 2005



KEVIN J. TESKA
SUPERVISORY
PATENT EXAMINER